

**TIDEWATER REGIONAL
LOCAL HUMAN RIGHTS COMMITTEE
March 8, 2011 – 8:30 a.m.
MINUTES**

PRESENT

Audrey Rossman, Day Treatment Supervisor, First Home Care
Dana Gillentine, Director of PI/Risk Management – Crawford
Delinda Patterson Swanston, LHRC Vice Chairperson
Felicia Sawyer, LHRC Member
Fran Neaves, Director of PI/Risk Management, Virginia Beach Psychiatric Center
Janet Martin, LHRC Member
Joe Mazzucotelli, Administrator, Brighton
Kawanna Ward, Clinical Director of Mental Health Services, First Home Care
Kelly Mulaire, Community Based Supervisor, First Home Care
Kenya Ratliff, Day Treatment Supervisor, Oyster Point Academy
Kerry Knott, Chief Executive Officer, Crawford
Marie Henrich, Senior Administrative Assistant – Crawford
Natalie Elliott, Administrator, Crawford
Nora Tate, Clinical Coordinator, First Home Care
Paula Harr, Director of QMS – First Home Care
Reginald T. Daye, Regional Advocate, DBHDS
Stacie Olander, Community Based Supervisor, First Home Care
Vonda Harrison, Director of PI/Risk Management – Brighton

ABSENT

Correction to minutes from December 14, 2010 – Brian Montella, LHRC Member, was absent.

Chris Kearney, Administrator – Kempsville
Stacey Durr, Chief Operating Officer – Pines Residential Treatment Center
James A. Overton, LHRC Chairperson

I. CALL TO ORDER

The Local Human Rights Committee meeting was called to order at 8:45 a.m. by Delinda Patterson Swanston, LHRC Vice Chairperson.

II. REVIEW OF MINUTES

The minutes for the meeting of December 14, 2010 were reviewed. Janet Martin made a motion to approve the minutes. Felicia Sawyer seconded the motion and all members present voted to accept.

III. PUBLIC COMMENTS

There were no comments from the general public at this time.

IV. UNFINISHED BUSINESS

There was no unfinished business to report.

V. NEW BUSINESS

- A. LHRC By-Laws/Cooperative Agreement/SHRC & LHRC Implementation Memo/Summary of Comments – Reginald Daye presented the LHRC Bylaws generated by the SHRC stating this committee must act upon and report back to the SHRC meeting scheduled for April 15, 2011. This will replace the current LHRC By-Laws. Mr. Daye highlighted sections of the LHRC By-Laws. The Pines is considered “provider affiliates”. While addressing the By-Laws Mr. Daye pointed out that this committee’s role is also to receive complaints from individuals on the appeals (internal investigations). The individual has the right to appeal the findings of an internal investigation and the legal guardian of that individual must be notified of the right to appeal. Mr. Daye discussed the importance of confidentiality; issues discussed during this committee meeting are not to be discussed with persons outside this committee (spouses, friends, etc.). Any policies and procedures that impact on an individuals’ rights must be presented here. Mr. Daye addressed an addition by the SHRC to these By-Laws that was not in the original By-Laws. This addition states that if this committee decides to address a systemic issue, at the same time we must submit in writing to the SHRC that we will be reviewing that particular issue and then the SHRC will review the issue to see if it has been addressed before with any other agency to determine if it had a system wide impact and to provide feedback.

Mr. Daye highlighted section “G” of the By-Laws where it states “to receive, review, and make recommendations to the SHRC concerning applications for variance(s) to the regulations...” Mr. Daye stated this committee has reviewed and continues to review variances that have been awarded to the Pines RTC, and VBPC. Mr. Daye made the Pines RTC aware that they have lost their variance for the Point Level System due to failure to respond to the annual update. Mr. Daye was informed that this became effective Friday, March 4, 2011. The variance was initially approved on October 23, 2009 for two years with an annual update due on October 23, 2010. This is also noted in the regulations. Mr. Daye stated he received an email indicating that the SHRC may require The Pines RTC to cease use of the Point Level System. Mr. Daye emphasized that all variances require an annual update. The SHRC requires annual reports on all variances. Seclusion and restraint variances must be included in the annual report along with allegations of abuse.

Mr. Daye highlighted under “Article III – Membership” the addition of “The LHRC shall notify the SHRC in the event that the LHRC has operated for six (6) months without a Virginia code 37.2-204 mandated member. In the event the LHRC has operated for 12 months with a Virginia Code mandated member, the SHRC will consider the LHRC for consolidation with another LHRC, in order to ensure the protection of the rights of individuals receiving services.” Membership information was reviewed. The LHRC must consist of a minimum of five (5) members appointed by the SHRC. Mr. Daye stated this committee will decide how many members we want on this committee. We currently have a committee of five (5) and Mr. Daye recommended keeping that number. If we decide to have more than five (5) members then our quorum increases.

Mr. Daye highlighted under “Article V – Meetings/Section 1” that the LHRC shall hold at least four (4) regular scheduled meetings per year. The LHRC can choose to meet more often if needed. Mr. Daye noted an addition under “Section 3 – An agenda of business

to be conducted will be posted in advance of the LHRC meeting. Minutes of all open meetings shall include the following information: Date, time and location of the meetings; LHRC members present; LHRC members absent; a summary of the discussion on matters proposed, deliberated or decided and a record of any votes taken. No confidential information shall be included in the minutes, and all steps should be taken to maintain individuals' privacy."

Motion: Delinda Patterson Swanston made a motion to have five (5) members of the Tidewater Local Human Rights Committee and to hold quarterly meetings.

Action: Second was made by Janet Martin.

Motion: Delinda Patterson Swanston made a motion to adopt the LHRC By-Laws.

Action: Second was made by Janet Martin.

Cooperative Agreement (relationship between The Pines, VBPC, First Home Care and the Local Human Rights Committee). The Pines, VBPC and FHC will sign the Cooperative Agreement as "Directors" and then name their liaison or designee. The Cooperative Agreement has spaces for those names and if there is more than one liaison or designee then their name should be added as well. The liaison will be the official representative at these committee meetings. This committee cannot turn down an affiliate once they are referred to this committee. Mr. Daye stated there are twenty six committees in this region therefore he does not anticipate having to send The Pines, VBPC and First Home Care any outside affiliates.

Mr. Daye highlighted annual reports are to be presented at the fourth quarter LHRC meeting. Providers must attend a least one (1) of the four (4) meetings unless the LHRC votes to have the affiliates to attend more. Signed copies of the Provider Contact Information will be submitted in the next committee meeting scheduled for June 14, 2011. The providers were polled and recommended that they attend three of the four meetings.

Motion: Janet Martin made a motion to adopt the Cooperative Agreement as presented with the modification that the provider/affiliate will attend three (3) of the four (4) scheduled LHRC meetings.

Action: Second was made by Felicia Sawyer.

- B. Permanent Affiliation for Fort Lane Resource Center – Paula Harr – Permanent affiliation was requested for the Fort Lane Resource Center. Ms. Harr stated this facility will be used as day treatment. Reginald Daye announced all affiliations will be permanent and there will no longer be temporary affiliations.

Motion: Felicia Sawyer made a motion to approve permanent affiliation for the Fort Lane Resource Center.

Action: Second was made by Janet Martin.

- C. Handle with Care – Natalie Elliott – The Handle with Care Philosophy was presented. This training will replace Crisis Prevention Institute (CPI) training. Joe Mazzucotelli

stated The Pines is working with the Handle with Care Company on having a master trainer scheduled to train ten (10) staff members at a time (2 eight hour days). Janet Martin questioned who will be required to attend the Handle with Care training. All direct care staff members must attend the training. Felicia Sawyer questioned the differences between Handle with Care and CPI training. Mr. Mazzucotelli stated that many companies have switched over to Handle with Care due to the significant reduction in employee/client injuries. This technique is safer for staff members and clients. Mr. Mazzucotelli stated the use of their verbal de-escalation model will hopefully reduce the number of incidents. CPI training will continue to be utilized until all staff members have been training and rolled over to HWC. Mr. Daye supported the approval of the Handle with Care Philosophy. He also recommended sending this information to the licensing specialist for review.

Motion: Janet Martin made a motion to approve the Handle with Care Philosophy while still utilizing Crisis Prevention Institute training. An implementation schedule will be submitted to the committee along with a training calendar.

Action: Second was made by Felicia Sawyer.

VI. STANDING REPORTS

- A. There was no general information to report during this committee meeting.

Overview of Allegation Reports

Location	December	January	February
FHC- Oyster Point Academy	8	8	9
FHC- Northampton Schools	3	2	6
FHC -Portsmouth School	0	4	5
FHC – Group Homes	0	0	0
The Pines – Brighton	15	20	16
The Pines – Crawford	89	54	30
The Pines - Kempsville	49	61	46
Virginia Beach Psych	2	1	7

Seclusion and Restraint Reports

(S=Seclusion) (MR=Mechanical) (PR=Physical) (CR=Chemical)

Location	December	January	February
FHC- Oyster Point Academy	4 PR	12 PR	12 PR
FHC- Northampton Schools	0	0	0
FHC - Portsmouth School	0	0	0
FHC – Group Home	0	0	0
The Pines – Brighton	27 – PR	40 – PR	49 – PR
	0- S	0- S	0- S
The Pines – Crawford	148-PR	89-PR	71-PR
	1-S	0-S	0-S
The Pines - Kempsville	S=60	S=58	S=42
	MR=0	MR=0	MR=0
	PR=57	PR=47	PR=35
	CR=0	CR=0	CR=0
Virginia Beach Psych	S-2	S-0	s-2
	MR-0	MR-2	MR-4
	PR-1	PR-0	PR-0
	CR-0	CR-0	CR-0

C. Reports on Structured Living Protocol

VBPC: Fran Neaves reported one (1) case of SLP and two (2) incidents of phone restrictions.

The Pines: 0

D. ALLEGATION REPORTS – CLOSED SESSION

Motion: Delinda Patterson Swanston made a motion that the committee go into Executive Session, pursuant to Virginia Code 2-2-3711A (4) for the protection of the privacy of individuals in personal matters not related to public business, namely to review patient information from

First Home Care, The Pines Residential Treatment Center and Virginia Beach Psychiatric Center, pursuant to the regulations.

Action: Second was made by Janet Martin. All members present voted in favor of the motion.

Reconvened in Open Session: Upon reconvening in Open Session, Delinda Patterson Swanston, Janet Martin, Felicia Sawyer and Reginald Daye of the Tidewater Regional LHRC certified to the best of their knowledge that only public business matters exempt from statutory open meeting requirements and only public business matters identified in the motion to convene the Executive Session were discussed in accordance to Virginia Code 2-2-3711A (4).

VII. NEXT SCHEDULED MEETING

The next regular LHRC meeting is scheduled for Tuesday, June 14, 2011 in the Executive Board Room of The Pines – Crawford Campus.

VIII. ADJOURNMENT

There being no further business to discuss, Delinda Patterson Swanston made the motion to adjourn. Janet Martin seconded the motion. The meeting was adjourned at 11:55 a.m.

RESPECTFULLY SUBMITTED:

Marie Henrich, Senior Administrative Assistant
Recording Secretary

Delinda Patterson Swanston, LHRC Vice Chairperson